

**Correspondence between the Government of India and the
Government of the Union of South Africa regarding the
position of Indians in South Africa.**

We publish the full correspondence as referred in the Statement:—

**TELEGRAM TO THE GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA, No. 14-C., DATED
THE 8TH APRIL 1925.**

We have the honour to address you regarding position of Indian community in South Africa. During last four years it has frequently formed subject of representations on our part both in its general aspect and with reference to particular measures such as Durban and Natal Land Alienation Ordinances, Natal Rural Dealer's Licensing Ordinance, Class Areas Bill, and more recently Natal Boroughs and Township Ordinance. Last enactment though provincial in scope has given rise to feelings of profound apprehension in this country and, so far as we are aware, among Indian community, throughout Union as to latter's future. Provisions of Mines and Works Act Amending Bill, which we understand has now been referred to a select committee of Union Assembly and private bill introduced by Mr. Collins, which was designed to restrict still further Indian trading rights in Transvaal but which we learn has now been withdrawn, have, in conjunction with avowed determination of a strong party in South Africa to curtail Indian civil and economic privileges as much as possible, deepened sentiments of uncertainty and alarm.

2 We think it will serve no useful purpose to attempt to analyse causes and consequence of present situation. We recognise that Your Excellency's Government are bound to take account of public opinion in South Africa and that at least in two provinces an important section of electorate is not friendly to Indians. We are also anxious not to aggravate a delicate situation by indulging in generalisations about aims and motives. The problems of South Africa, we believe, are probably racial only on surface. They rest on differences in history, outlook and civilisation of constituent elements of its population, which penetrate deeper than colour of their skins. To solve these problems can be no easy task. All that we wish to urge is that a satisfactory and permanent solution can be possible only if leaders of races concerned will exercise to their utmost qualities of mutual understanding and forbearance. We are confident that such a solution is as anxiously desired by Your Excellency's Ministers no matter from what political party they may be drawn, as it is by Government and people of India.

3. Our interest in Indian question in South Africa requires no justification. In their minute No. 984, dated 15th December 1922, Ministers of Your Excellency's predecessor observed that they fully realised "the interest taken by Government of India in this question and their sense of responsibility for welfare of Indian population in those provinces where the law does not accord to it privilege of franchise." We take liberty to assume that this is also view of Your Excellency's present Ministers. For our part we are less anxious to lay stress on our responsibility than on our earnest desire to assist in finding a satisfactory and abiding solution of Indian problem. In aiming at this objective we are inspired by a larger ideal than mere protection of interests of Indians in South Africa. That ideal is maintenance of relations of cordiality and good will between India and South Africa. We trust that proposal which we now make will be received and considered in same spirit.

4. In our opinion an essential preliminary to formulation of a comprehensive Indian policy in South Africa which will be acceptable to more reasonable sections of all parties concerned is a conference in which representatives of Your Excellency's Government and of Government of India should participate. Unless opportunity is provided for a full, frank and personal discussion between accredited spokesmen of these two Governments requisite conditions for a ready understanding of divergent points of view and for prompt adjustment thereof in a spirit of compromise will not be established. Correspondence can never be an adequate substitute for personal discussion especially when both distance and psychological difficulties tend to delay a settlement. During his visit to South Africa last September Mr. Thomas, then

His Majesty's Principal Secretary of State for Colonies, made an informal suggestion more or less to this effect in a speech which he delivered at Pietermaritzburg. It was also pressed upon us by a remarkably representative deputation consisting of members of Indian Legislature and prominent European businessmen and members of the Indian commercial community who waited upon His Excellency the Viceroy last January to draw attention to seriousness and urgency of this problem. We had hoped that Your Excellency's Government would take official cognisance of Mr. Thomas' suggestion. As they have not done so we now venture to take initiative and put it forward ourselves for their favourable consideration. We are not committed to any particular form or venue for this conference. We should prefer that it should be held in South Africa which is scene of action and where views of parties directly affected can most quickly be ascertained; but if for any reason Your Excellency's Government do not favour idea we shall be glad to invite your representatives to India or depute our delegates to any other convenient centre such as Geneva for purposes of discussion. Thus, during forthcoming session of Assembly of League of Nations representatives of two Governments could confidentially exchange views on this important question.

5. We do not propose at this stage to indicate in any detailed scope of these discussions. In our opinion economic and educational issues are of immediate practical importance and if Union Government consider that such a course would help in the acceptance of principle our suggestion we should be willing to consider desirability of excluding question of political equality from purview of proposed conversations. Educated opinion in India looks upon realisation of this ideal as a matter of vital national concern and our readiness not to raise this question for the present is an earnest of sincerity of our desire to arrive at a common basis of discussion. If none of these suggestions commend themselves to Your Excellency's Minister, we shall be glad to explore any other avenue that holds out prospects of a settlement which will ensure progress and contentment of Indian community in South Africa on a permanent footing and in a manner consistent with their national self-respect. We should repeat what we have already said that our main anxiety is to seek a settlement. We are not committed to any particular method.

6. There is one aspect of question on which we would like to dwell before we conclude. We understand that in replying to a deputation from the Natal Indian Congress which waited on your Government at Pretoria on 9th December in connection with Natal Boroughs Ordinance the Prime Minister stated that the constitution reserved the right to legislate on certain local matters to the provinces that Natal was acting entirely within its rights in the matter of this Ordinance, which had the support of the people and what it was hardly within the province of the Union Government to interfere with those rights unless it were prepared to substitute some other machinery to meet the wishes of the people. It would be presumptuous for us to question view of so high an authority on a point of domestic constitutional convention and we hope that our observations on subject will not be misunderstood. All that we wish to urge is that any piece of legislation that adversely affects existing Indian rights, even if its operation is to be strictly confined to boundaries of one province, has wider repercussions. It disturbs domiciled Indian community throughout Union; it agitates opinion all over India; it affects relations of two countries as a whole. We venture, therefore, to submit that such measures should be adjusted not in light of strict constitutional principles but in broader light of imperial and international considerations.

(2)

TELEGRAM FROM THE GOVERNOR-GENERAL, SOUTH AFRICA, DATED THE 16TH JUNE 1925.

Your telegram dated 8th April. My Ministers have asked me to convey to you their observations on proposed conference to discuss *position of* Indians in South Africa in following terms. In response to communication from Government of India Ministers wish to express their sincere appreciation of every friendly spirit which pervades that document and of sympathetic understanding of their peculiar difficulty and evident desire *on part* Government of India *not in* any way to complicate a delicate situation.

In connection with reference in paragraph 3 of communication Ministers gladly endorse sentiment that it is only natural for Government of India to take an interest in welfare of Indians and generally in Indian questions in South Africa *especially in view of* possible effect of position in South Africa on disposition of people of India. They cannot therefore regard any representation and suggestion which Government of India may make otherwise than

in a friendly light and as actuated by a sincere desire to promote welfare and contentment of Indians generally as well as good relations between their respective countries. Ministers further gladly recognise that although ultimate responsibility and decision in regard to South African problem rests with South Africa alone a friendly exchange of views between Government of India and South Africa on particular aspect of Indian question may lead to a better understanding of each other's standpoint and assist materially in its solution.

Such a conference as suggested in 4th paragraph of *communication between representatives of Government of India and South Africa* respectively has had most serious consideration of Ministers who feel however that difficulties surrounding this line of action are such that they find themselves unable to agree to it however much they would like to meet wishes of Government of India. Practically all parties in South Africa agree on broad principles that by strict prohibition of Indian immigration and by means of active repatriation that Indian population in South Africa shall be reduced as nearly as possible to irreducible minimum. For years this has actually been recognised and unchallenged policy of successive Governments whatever measure of success may have been which has attended their efforts. Under the circumstances it is evident to Ministers and they would desire to impress this on Government of India that feeling in South Africa in connection with political, economic and racial status of Indians bear a direct relation to and is almost entirely dependent upon effectiveness or otherwise of repatriation. In view of this it must further be evident that public opinion in South Africa will regard with gravest suspicion such a conference as suggested which does not explicitly open prospect of such a reduction of Indian population as will be considered satisfactory and will almost certainly look upon it as an interference from outside. If a satisfactory and effective process of repatriation could be initiated Ministers feel assured that alarm of European population will be so considerably allayed that public opinion will come to look much more favourably upon existing and future rights of Indians than has hitherto been the case. Any helpful suggestion which Government of India might, at any time, put forward in this respect will be cordially welcomed by Ministers.

(3)

TELEGRAM TO THE GOVERNOR-GENERAL, SOUTH AFRICA, CAPE TOWN, No. 403, DATED THE 14TH JULY 1925.

We thank you for your telegram dated 16th June in which you communicate views of your Ministers on proposal for conference adumbrated in our telegram of 8th April. We deeply appreciate courteous and friendly tone of communication though we cannot disguise our profound disappointment at conclusion at which your Ministers have arrived. In view however, of their apparent and earnest desire to grapple with Indian problem in a broad and sympathetic spirit and their invitation to us to offer suggestions on the question of repatriation, we venture to renew the suggestion in the hope that it may be reconsidered, in the light of the observations set out below.

2. So far as we can gather the main objection to our proposal is that public opinion in South Africa will view with gravest suspicion and as an interference from outside any conference which does not explicitly open prospect of a reduction of Indian population by strict prohibition of immigration and active repatriation. So far as prohibition of immigration is concerned Government of India acquiesced in principle in 1918 when right of each community to regulate composition of its population by means of suitable immigration laws was explicitly recognised and it was never our purpose to re-open that question. In regard to repatriation we are quite willing to explore this question with your Government and indeed this is a subject which the Conference, we suggest, could usefully discuss. But as responsible opinion in South Africa recognises, repatriation by itself cannot provide effective solution of problem of European and Asiatic competition in economic sphere which is in the main responsible for present tension between two communities since nearly 63 per cent. of resident Indian population was born in South Africa and the majority of that element regard that country as their home, and are hardly likely to return to India unless compelled to do so. If, as we are confident, your Ministers do not contemplate to make repatriation obligatory methods of improving present situation other than encouragement of resident Indians to return voluntarily to India will have to be explored. Thus the possibility of diverting Indians into channels of activity where they may not come into intimate or extensive competition with the European or of so

regulating the conditions of employment as to render competition in spheres where it is unavoidable strictly equal and fair deserves careful investigation. It was with a view to assist in this task and work out a scheme which could be commended to both communities as offering basis for settlement safe and honourable to both communities that we asked for a conference. We venture to think that if the scope of the proposed discussions were fully explained and it were made quite clear that they did not commit the Union Government to the acceptance of any agreement that may result from them without consultation with the South African Parliament and public the conference could probably meet without arousing misgiving or suspicion.

3. We are repeating the suggestion with a single-hearted desire to secure a speedy complete and amicable solution of a problem which for years has been a progressive source of danger to the continuance of friendly relations between the two countries, and we earnestly hope that Your Excellency's Government will consider it in the same broad and friendly spirit.

(4)

LETTER FROM THE GOVERNOR-GENERAL OF SOUTH AFRICA, CAPE TOWN, TO HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF READING, G.M.S.L., G.M.L.E., G.C.B., K.C.V.O., ETC., ETC., ETC., Viceroy of India, No. 15-1262, DATED THE 28TH JULY 1925.

I have the honour to transmit, herewith ten copies of the Areas Reservation and Immigration and Registration (Further Provision) Bill which was introduced into the House of Assembly on the 23rd July, together with a press report of the speech made by the Minister of the Interior on that occasion. Parliament was prorogued on the 25th idem and in the ordinary course of events will not reassemble until early next year. As Your Excellency will see from the Minister's remarks, the Bill has been introduced at this juncture in order that an opportunity may be offered for criticism before the matter is discussed in Parliament.

N. B.—(Having supplied our readers with a copy of the Bill in August last we do not publish same.) Ed. "I. O."

(5)

TELEGRAM TO THE GOVERNOR-GENERAL OF SOUTH AFRICA, CAPE TOWN, No. 522-OS., DATED THE 7TH SEPTEMBER 1925.

I thank you for your despatch No. 15-1262, dated 28th July 1925, forwarding copies of Areas Reservation and Immigration and Registration (Further Provision) Bill introduced into House of Assembly on 23rd July. I would be failing in my duty if I did not inform Your Excellency that my Government and I feel deep concern at the provisions of the Bill. We propose to address you at length on the subject when we have had an opportunity of examining fully all implications of the measure.

2. We have not yet received a reply to our telegram dated the 14th July repeating the proposal for a Conference to discuss position of Indians in South Africa. We should be glad to learn the views of your Government as soon as possible and trust that it may be possible for them to accept our suggestion.

(6)

TELEGRAM FROM THE GOVERNOR-GENERAL, SOUTH AFRICA, PRETORIA, DATED THE 24TH SEPTEMBER 1925.

Your telegram dated 14th July. Indian question in South Africa. My Ministers very much regret their reply has been delayed so long. They wish, however, to assure the Government of India that this delay was due entirely to circumstances over which they had no control.

2. In the light of the views expressed in your telegram, my Ministers have very earnestly reconsidered their previous attitude with regard to holding of a conference of Indian question. They regret, however, that they cannot find sufficient reasons for departing from their views as conveyed in my telegram dated the 15th June. Being in close contact

with the public feeling in South Africa and knowing as they do how holding of a conference on the Indian question without limiting the scope of such conference to some definite and concrete questions is likely to be looked upon and resented by the people here as an interference from outside. My Ministers are satisfied by deciding as they have, they merely give expression to great masses of responsible public opinion in the country.

3. My Ministers further wish to express their satisfaction and gratitude for readiness of Government of India to explore with them the possibility of more effective repatriation scheme which will result in a considerable reduction of Indian population in South Africa and which, if successful, is sure to facilitate enormously a generally acceptable and final solution of the general question of political, social and economic status of that residue which cannot be repatriated. In this connection my Ministers wish to point out that the extent to which repatriation is possible is not necessarily limited to number of Indians born overseas, as is evidently supposed by Government of India, as official figures show more than one-third of Indians hitherto voluntarily repatriated are South African born.

4. The question whether conversations between Government of India and Union Government with regard to repatriation shall be carried on through ordinary channel or at a conference as proposed must, in the views of my Ministers, depend upon the nature and practicability of any concrete proposals which during the preliminary discussions might tentatively and provisionally be brought forward. In order to give the Government of India some indications of the lines on which the Union Government have been thinking, my Ministers state that for a considerable time they have contemplated the possibility of supplementing the inducements now offered to voluntary repatriates by land settlement scheme in India or some adjacent territory together with such other provision for those who do not intend to settle on the land as may prove to be practicable. Such a scheme or schemes can naturally only be undertaken with the co-operation of the Government of India, which co-operation together with further suggestions will be heartily welcomed by my Ministers.

5. With regard to the points raised by the Government of India as to "the possibility of diverting Indians into channels of activity where they may not come into intimate or extensive competition with the Europeans or of so regulating the conditions of employment as to render competition in spheres, where it is unavoidable, strictly equal and fair" my Ministers will gladly welcome any concrete suggestions which the Government of India might desire to make. They further wish to state that if further discussions about repatriation, as indicated above, might point the way to the holding of a conference definitely restricted in scope, they will raise no objection to the inclusion of this particular aspect of the question within the range of the conference.

(7)

TELEGRAM TO THE GOVERNOR-GENERAL, SOUTH AFRICA, CAPE TOWN, NO. 608, DATED THE 9TH OCTOBER 1925.

Your telegram dated September 24th. Indian question in South Africa. We greatly regret that we have been unable to persuade Your Excellency's Ministers to agree to a conference, as we had hoped that the limitations on its scope suggested in our telegram of July 14th would have assisted them in acceding to our wishes.

Paragraph 2.—The Government of India are as ever ready to help the Union Government in finding a just and satisfactory solution of this difficult question, but they feel it only right to point out that a misunderstanding has arisen regarding the intention underlying the reference to repatriation in my telegram of July 14th. It was not our intention to suggest that we were willing to co-operate with Your Excellency's Ministers in exploring the possibility of more effective repatriation with the object of bringing about a considerable reduction in the Indian population in South Africa. All that we meant was that while repatriation would never by itself afford a solution of the problem, the existing scheme of repatriation on a purely voluntary basis might be re-examined with a view to ascertaining what difficulties had arisen in its working and how these difficulties could best be smoothed away. Conference of which the main object was to expedite Indian repatriation was not contemplated by us.

Paragraph 3.—Your Excellency's Ministers refer to the ultimate possibility of a conference regarding repatriation in certain circumstances, but the Government of India feel that they are not in a position to enter into a discussion of the repatriation question without fuller knowledge of local conditions than they at present possess. We note with satisfaction that Your Excellency's Ministers would welcome any concrete suggestions which we have to offer either on this question or on the general question of mitigating direct competition between Europeans and Indians. We should be glad to avail ourselves of this offer, but feel that as a preliminary to entering into such a discussion, it is essential that we should be equipped with full and up-to-date knowledge of local conditions. We should therefore like, if your Government see no objection, to send a deputation to South Africa with instructions to collect information regarding the economic position of Indians and to investigate their general condition. We are anxious that this preliminary investigation should be completed as soon as possible in order that no avoidable delay may occur in arriving at a satisfactory conclusion. We trust that your Ministers will be able to accept this suggestion and hope that by this means we may be able to be of real assistance to them. As the object of our deputation would be to suggest an alternative solution of the Indian question to that embodied in the Areas Reservation and Immigration and Registration (Further Provision) Bill, we trust that your Government will have no objection to postponing further progress with that Bill until our considered suggestions are before them.

(8)

TELEGRAM TO HIS EXCELLENCY THE GOVERNOR-GENERAL OF SOUTH AFRICA, CAPE TOWN,
No. 609-0s., DATED THE 12TH OCTOBER 1925.

Reference Areas Reservation and Immigration and Registration (Further Provision) Bill, copies of which were received with Your Excellency's despatch No. 15-1262 of 28th July. We have carefully examined above Bill and, as foreshadowed in my telegram of 7th September, beg leave to make following observations on it:—

(1) According to statement made by Minister when introducing it, Bill assumes that Indian is an alien element in population of Union and is designed to reduce that element considerably. We question whether the Indian population, of which more than 60 per cent. is South African by birth, can justly be regarded as alien element. Bulk of them have been settled in Union for long periods, have in their own respective spheres contributed to development of country, and proved their value to the other elements in the population. They have acquired vested interests and established manifold associations severance of which will be a source of distress to many and great economic dislocation and loss. As British subjects resident in South Africa they look, and, we submit, are entitled to look upon Union Government as the trustee of their interests equally with other elements in the population

(2) *Chapter I.—(a)* As regards residential and commercial segregation Bill in the main reproduces provisions of the class Areas Bill of the late Government. Our objections to the principle of racial segregation were set forth in paragraphs 7 to 9 of our despatch of August 23rd, 1923, and to the provisions of the Class Areas Bill in our telegram of March 14th, 1924, No. 257. In our opinion those objections have lost none of their force. Materially applications of these provisions will entail loss on Indian Community by reducing value of immoveable property now owned by Indians outside areas to be set apart for them and restrict their opportunity for trade. Socially Indian community will regard measure as inflicting humiliation, sense of which, we fear will be aggravated by clause 12 of new Bill which excludes classes known as Cape Coloured and Cape Malaya from its scope.

(b) Clause 10 is evidently based on recommendation made by majority of Asiatic Inquiry Commission but is wider and more drastic in that it is evidently intended to apply not only to agricultural land and purports to restrict the right of Asiatics to acquire immoveable property within reserved belt from non-Asiatics, except within urban class areas set apart for them. To prohibit acquisition of agricultural land except from existing Indian holders would increase congestion in areas round Durban and at such places as Stanger where it is already so great that the Indian cultivators can hardly obtain a living from the small patch which he cultivates. As Indians in coast belt are largely descendants of agricultural labourers introduced some generations ago such prohibition will be a source of great hardship to them.

In Minute No. 984 of your predecessor's Minister, dated 15th December 1922, we were informed that the recommendation of the Commission did not commend itself to them. We earnestly hope that in light of the consideration now put forward as well as those advanced in paragraph 6 of our despatch No. 307-R. A. of 19th—27th December 1921, your present advisers will consent even now to revise decision in matter.

(3) *Chapter II.*—(i) Clause 16 (c) of Bill will have effect of restricting further entry of Asiatics lawfully resident in other parts of Union into Natal and Cape of Good Hope. The reasons for proposing this provision are unknown to us, but we venture to point out that the restriction of freedom of inter-provincial movement must seriously affect vested interests. Again imposition of time-limit in respect of entry into Union of wives and children of lawfully resident Indians prescribed in (ii) of proviso to clause 17 is scarcely in consonance with terms of paragraph 3 of reciprocity resolution of 1918, which did not contemplate any such limitation and which representatives of South Africa accepted. In view of disparity between two sexes of resident population, it will inflict great hardship on unmarried Indians.

(ii) Sub-section (e) which clause 17 of Bill substitutes for present sub-section (e) of section 5 of Immigrants' Regulation Act (No. 22 of 1913) empowers Ministers to withdraw from Asiatics born of parents lawfully resident in any province of the Union, domicile that they have already acquired or may hereafter acquire in another province. Here, again, we fear that existing rights will be seriously prejudiced.

(4) *Chapter III. Registration.*—We have no comments of principle to make in regard to provisions in this chapter.

(5) In our previous telegrams we have drawn attention to widespread apprehension which recent developments in regard to position of Asiatics in Union have created in India. Terms of new Bill, text of which has been published in newspapers, are regarded here as deliberately harsh and oppressive towards Indians. We have always pleaded with utmost earnestness for comprehensive consideration of Asiatic problem in broad and dispassionate spirit with a view to finding some solution acceptable to all communities in South Africa. In our opinion Bill will destroy hope of ever arriving at such solution and will have most harmful reaction on public opinion here. A conference on lines suggested in our telegrams of 8th April and 14th July would, in our opinion have provided best opportunity for exploring situation, but we have learnt with regret from your telegram of 24th September that idea does not commend itself to your Ministers. We trust, however, that they will accede to request made in our telegram dated 9th October to send a deputation to South Africa to collect information regarding economic and general conditions of Indian community so as to enable us to suggest solution of this difficult problem less unacceptable than that embodied in the Bill, and will also agree to postpone further progress of measure until our alternative proposals are before them.

(9)

TELEGRAM FROM THE GOVERNOR-GENERAL, SOUTH AFRICA, TO VICEROY, DELHI, DATED THE 10TH NOVEMBER 1925.

10th November. In reply to your telegram 9th October 1925, 606-Os., my Ministers state that they very much regret that Government of India find it impossible to Co-operate with them in devising some more effective scheme of voluntary repatriation. They do so more especially because as they have previously pointed out there exists no better and surer means of favourably influencing the attitude of European population and thus of eventual furthering general interest of Indians in South Africa than the reduction of present Indian population to irreducible minimum. They feel that it is not necessary to add that any assistance which the Government of India might be able and willing to render to ensure the more effective working of existing repatriation arrangements will be heartily welcome.

(ii) Ministers have very carefully and sympathetically considered request to postpone their proposed legislation until the Government of India shall have taken certain steps as outlined in your last communication. If such postponement is to mean that Astain question will not be effectively and, if possible, finally dealt with during the forthcoming session of Parliament as seems likely to be the case, they very much regret that they will be unable

to meet the wishes of the Government of India. In this connection they desire to point out that their proposed legislation is not only generally considered to be very urgent, but that it is also admittedly long overdue. Apart from the fact that present Government have publicly undertaken to introduce their Bill and have actually done so during the last session but were unable to pass it, similar legislation, as must be well known, was already attempted in the form of Class Areas Bill by my Minister's predecessors and would probably have been enacted by this time if dissolution of Parliament and a change of Government had not intervened. Furthermore my Ministers wish to point out that on broad lines the Areas Reservation and Immigration and Registration (Further Provision) Bill follow the recommendations of the Asiatic Enquiry Commission which reported as far back as March 1921 and that of these recommendations the Government of India cannot have been unaware nor were their views in this connection unrepresented as throughout that Commission of Enquiry they were officially represented by Sir Benjamin Robertson, late Chief Commissioner of the Central Provinces India accompanied by Mr. G. L. Corbett of Indian Civil Service.

(iii) With regard to the proposal to send a deputation to South Africa for the purpose of investigation my Ministers state that if Government of India consider this to be best and most desired method of obtaining such first hand information as they require no objection will be raised by them against proposed course of action. Ministers naturally realise that under certain circumstances and without exercise of all due discretion it is possible that an enquiry of this nature may exercise a disturbing effect on the minds of Indian population in South Africa and may in the beginning increase the Union Government's difficulties and lead to profound irritation on the part of the European population but in spite of this they have sufficient confidence in good intention and discretion of the Government of India to concur in the action they desire.

(iv) With reference to the contents of your later telegram dated 12th October 1925, No. 609, my Ministers wish to assure the Government of India that their observation on various provisions of Areas Reservation and Immigration and Registration (Further Provision) Bill will have their fullest and most earnest consideration.

(10)

TELEGRAM TO THE GOVERNOR-GENERAL OF SOUTH AFRICA, No. 667-OS., DATED THE 18TH NOVEMBER 1925.

Clear the line.—Your telegram dated 10th November 1925. We are most grateful to Your Excellency's Government for agreeing to our sending deputation to South Africa to make certain enquiries. Deputation will consist of one senior British official of the Indian Civil Service and two prominent Indian non-officials who either have been or are members of the Indian Legislature, as members, one officer of the Indian Civil Service as Secretary and possibly one clerk. We shall communicate to you the names of the gentleman composing the deputation as soon as they have been selected. Its defined purpose will be to inquire into and report to us on economic position and general condition of Indians in South Africa and Your Ministers may rest assured that we fully appreciate the importance of selecting representatives who will exercise due discretion in the conduct of such an enquiry.

2. We are trying to arrange that deputation should sail from Bombay per S. S. "Kargola" on 25th November. It is possible that special facilities in regard to its travelling and accommodation in South Africa may be required. We shall address you again on this point as soon as personnel of deputation is settled, and trust that Your Excellency's Government will be ready to assist us.

3. It was not our intention to suggest that no attempt should be made during the forthcoming session of the Union Parliament to deal with Indian problem. It would be sufficient if next stage in the progress of the Areas Reservation and Immigration and Registration (Further Provision) Bill could be postponed until we have had time to consider report of our deputation and make representations in light of that report. If, as we anticipate, deputation complete their work rapidly, we should be in a position to formulate our conclusions early in the New Year. If after consideration of our views Your Ministers decide to proceed with Bill, they would still, we believe, have sufficient time before end of session. We shall therefore

be grateful if Your Ministers would agree to defer action relating to Bill for short time to enable us after receipt of views and suggestions of deputation to submit representations for your consideration.

4. We thank you for assurance that remarks on the provisions of the Areas Reservation and Immigration and Registration (Further Provision) Bill communicated in our telegram No. 609 of the 12th October will receive fullest and most earnest consideration of Ministers.

(11)

TELEGRAM TO THE GOVERNOR-GENERAL, SOUTH AFRICA, No. 793-OS., DATED DELHI, THE 26TH NOVEMBER 1925.

Please refer to my telegram of November 18th. Our deputation has now sailed and we hope that they will complete their investigations and telegraph a summary of their conclusions to us five or six weeks after their arrival at Durban. In paragraph 4 of your telegram dated September 24th your Government expressed the opinion that the question whether conversations between Government of India and Union Government with regard to repatriation should be carried on through ordinary channels or at a conference must depend on the nature and practicability of any concrete proposals which during the preliminary discussions might tentatively and provisionally be brought forward. In sending our deputation, we have as we explained in paragraph 3 of our telegram of October 9th kept the possibility of a conference in view and have hopes that the proposals which we may be in position to put forward at result of deputation's report may form acceptable basis for conversations between Union Government and our representatives. We trust that Union Government on their part will not in meantime take any action that will preclude possibility of such conversations, if it is ultimately agreed that they are desirable.

(12)

TELEGRAM TO THE GOVERNOR-GENERAL, SOUTH AFRICA, PRETORIA, No. 705, DATED THE 28TH NOVEMBER 1925.

Reference my telegram dated November 18th. Personal of deputation, which sailed from Bombay for South Africa by S.S. "Karagola" on 25th November, is as follows:—

G. F. Paddison, C.S.I., I.C.S., Commissioner of Labour, Madras—*Leader*.

Hon'ble Syed Raza Ali Member of Council of State—*Member*.

G. S. Bajpai, C.B.E., I.C.S., Acting Deputy Secretary to the Government of India—*Secretary*.

C. S. Ricketts—*Assistant*.

It is anticipated that the third and only remaining member of deputation whose name will be communicated in a few days, will sail by boat leaving Bombay on December 6th. The deputation will then be complete.

2. Deputation will arrange its programme of work after reaching Durban and we would welcome any assistance that Your Excellency's Ministers and administrative officers may be able to give them in carrying on the duties entrusted to them. Deputation will probably have to travel extensively and as it is important that its report should be completed as quickly as possible, much of the work connected with preparation of report will probably have to be done in the train. We should, therefore, be grateful if your Government could see its way to placing a special saloon with kitchen, on payment if desired, at their disposal. This arrangement may be useful if difficulties arise up country about accommodation in hotels. Where the deputation has to stop at any place for a number of days and cannot live in the train, we should appreciate any assistance that can be given them in securing suitable accommodation. Paddison is accompanied by his wife.

(13)

TELEGRAM TO THE GOVERNOR-GENERAL, SOUTH AFRICA, PRETORIA, No. 713, DATED THE 1ST DECEMBER 1925.

My telegram No. 705, dated 28th November. Third Member of Indian deputation to South Africa is Sir Deva Prasad Sarvadhikary, Kt., C.I.E., Member of the Council of State recently dissolved. He will sail for South Africa from Bombay per S.S. "Karapara" on 9th December arriving at Durban, about the 30th December and is accompanied by his son.

(14)

TELEGRAM FROM THE GOVERNOR-GENERAL, SOUTH AFRICA, PRETORIA, DATED THE 9TH DECEMBER 1925.

Your telegram 18th November, 667-Os., and 28th November, 705. My Ministers have noted that the Government of India is sending a deputation to South Africa to enquire into and report upon (the) Economic position and general condition of the Indians in South Africa and they appreciate the undertaking to select representatives who will exercise due discretion in the conduct (of) such an enquiry.

2. Union Government will grant without payment facilities for deputation in regard to its travelling in South Africa and will also render all possible assistance if difficulties arise in connection with accommodation in hotels. If suitable accommodation cannot be secured arrangement will be made for saloon to be available for this purpose.

3. Ministers add that Areas Reservation and Registration and Immigration (Further Provision) Bill will be introduced early in forthcoming session which will begin on 22nd January next but that in ordinary course of Parliamentary procedure some time will necessarily elapse before second reading stage will be reached. This will probably give deputation as much time as they will require for their investigation. Government intend to move that after second reading Bill shall be referred to a select committee and will favour fullest opportunity being given to deputation laying case of Indians before that committee if it desires to do so.

(15)

TELEGRAM TO THE GOVERNOR-GENERAL OF SOUTH AFRICA, PRETORIA, No. 745-Os., DATED THE 15TH DECEMBER 1925.

Your telegram dated 9th December. We are most grateful for courtesy of Your Excellency's Government in undertaking to grant without payment travelling facilities for our deputation and promising to render all possible assistance if difficulties arise in connection with accommodation in hotels.

2. We also desire to thank Your Excellency's Ministers for assurance that they will favour fullest opportunity being given to our deputation of laying case of Indians if so desired before Select Committee on Areas Reservation and Immigration and Registration (Further Provision) Bill. We will address you further on this point as soon as we have received report from our deputation and have considered their conclusions and recommendations. In the meantime we would be glad to be informed as soon as Your Excellency's Government are in a position to do so, of date on which it is proposed to take second reading of Bill.

(16)

TELEGRAM TO THE GOVERNOR-GENERAL OF SOUTH AFRICA, DATED THE 10TH JANUARY 1926.

Clear the line.—Our deputation after enquiry in Natal have telegraphed their interim and provisional conclusions and recommendations to us. Firstly, they have been unable to find any justification for the general opinion held by Europeans in Natal that Indian competition in trade is increasing and is closing fruitful avenues of employment to Europeans. Similarly, they are unable to obtain accurate or complete statistics to indicate how far, if at all, Indians have recently displaced Europeans in skilled or semi-skilled occupations. They suggest that a fresh survey of the situation, if one were undertaken, would probably prove

fears to be unfounded, so far at least as trade and commerce are concerned. Their investigations tend to show that during the last few years Indian penetration has increased only in certain trades, such as tailoring and furniture, especially in Durban area, while in the sphere of business proper the Indian has not improved his position since the report of the Asiatic Enquiry Commission. Further expansion of Indian trade is barred by action of Municipalities, who refuse issue of any new licenses to Indians, and frequently refuse transfer of old licenses to new premises even in close proximity to old ones. Same policy is being followed by Licensing Boards in rural areas. For these reasons, they suggest that, in order to verify the facts on which demand for Bill is based, a fresh enquiry is advisable.

2. Secondly, our deputation lay stress on the point that it is questionable whether the Bill will effect any mitigation in the economic competition between the two races, which European opinion in Natal regards as crux of whole Asiatic problem. The positive remedies which Bill contemplated are--

- (1) commercial separation;
- (2) residential separation; and
- (3) restriction provided for in clause 10.

As regards (1), our deputation find that municipal administration of existing licensing laws has already resulted in Indian traders being concentrated in areas distinct from those occupied by Europeans, except in the case of certain old-established Indian firms which carry on business in European quarters. From European point of view, therefore, legislation now proposed appears unnecessary, while it will seriously aggravate position of Indian trading community. They assume that eliminations of Indians from trade is not aimed at, as such a policy would not be in accordance with general standard of fairness, particularly since they report that aliens from Europe are monopolising new opportunities for trade. If object aimed at is mitigation of competition, other remedies seem more likely to be effective. Allegation of unfairness of Indian competition is said to be based on payment of lower wages to shop assistants and evasion of regulations governing terms of employment. They consider that means could be devised to prevent such evasion and are strongly of opinion that matter deserves investigation, especially as they have been told that if board and lodging and other amenities allowed free to Indian assistants are included, the total wages of the latter equal those paid for the same class of work by European employers.

3. With regard to (2) residential segregation, the enquiries of our deputation confirm the objections to this measure which we have consistently urged upon Your Excellency's Government. They report that condition of many localities occupied by Indians around South Africa causes Indian community to be full of apprehension that class area created for them will share similar fate. Any measure tending to depress the social and economic standards of Asiatics may be expected to intensify rather than to mitigate industrial and commercial competition between them and the white population.

4. Clause 10 of the Bill will in the opinion of our deputation, have most serious consequences. They point out firstly, that Indian market gardeners, who tend to cluster in every township in Natal and a large proportion of whom held land on monthly and yearly tenure from Europeans, will be driven into coast belt where no fresh land is available for them as area within that belt owned by Indians is small and almost entirely taken up. Secondly, Indian market gardeners, who are now tenants of Europeans, will be deprived of their means of livelihood. Thirdly, Indian traders outside belt, who now carry on business in premises leased from Europeans, will be driven into belt on expiration of their lease. This will not only impose great hardship on Indians but many Europeans will suffer as well. Asiatic congestion around Durban which is already great will be seriously intensified. Sanitary conditions of Asiatic suburbs of Durban which are already regarded as a menace will become a greater source of danger to public health. Indians shut off from land will turn for a living to more or less skilled trades in which position of Europeans will be further threatened. It is stated by our deputation that Durban Corporation seems to be alive to sanitary danger of this provision of Bill and they add that Europeans with whom they have discussed the question have also begun to realise its probable effects.

5. These facts and considerations strengthen our conviction, which we have often pressed on Union Government, that a Round Table Conference would be most satisfactory method of dealing with the situation and we hope that, as result of discussion during the last

few months and of wider appreciation of implication of Bill, there may have been some such modification in attitude of European public referred to in your telegram of September 24th as to justify your Government in reconsidering view they have taken of this proposal. We wish to make it clear that we are still willing and anxious to participate in a Round Table Conference in any place or manner which may seem to them most convenient.

6. If the Government of South Africa for any reason find themselves still unable to agree to a Round Table Conference, we hope that Union Government will agree that there is a *prima facie* case for some fresh enquiry before the proposed legislation is proceeded with. Apart from other considerations, the enquiry appears to be necessary firstly, because exact facts regarding extent of Indian competition in trade and industry do not seem to be fully known and secondly, because ultimate consequences of proposed legislation may be reverse of those which are expected and desired. Our deputation will we understand reach Cape Town on January 10th and we should be gratified if a Minister of the Government would consent to receive them informally and give them an opportunity of explaining and illustrating more fully the arguments in favour of holding an enquiry which we have only been able to indicate in brief outline. We believe that there is a great deal to be said in favour of allowing representatives of Indian community in South Africa and our representatives to place their views before a Committee of Enquiry before the Bill is proceeded with any further. The moral effect of holding the enquiry would be great. It would convince Indian opinion that Union Government were not averse to hearing representations which can be urged against policy embodied in Bill and that Parliament will not allow Indian case to be prejudiced in consequence of their not being represented politically.

(17)

TELEGRAM FROM THE GOVERNOR-GENERAL OF SOUTH AFRICA, DATED THE 5TH (RECEIVED 6TH) FEBRUARY 1926.

Your telegram dated 10th January 8-Overseas. My Ministers desire me to thank Your Excellency very cordially for your courtesy in communicating to them so fully and promptly the interim and provisional conclusions and recommendations of Deputation sent to South Africa to enquire into position of Indian population in Union.

2. With regard to Your Excellency's suggestion that it might still be possible for Union Government to agree to the holding of a Round Table Conference, my Ministers fully appreciate desire and motive of Government of India in pressing for this particular method of dealing with problem. They wish me to state, however, that they have repeatedly given their most earnest and anxious consideration to the proposal but that for reasons already stated and in spite of their desire to meet the wishes of Your Excellency's Government, if possible they cannot see their way to alter decision to which they have previously come.

3. With regard to observation in deputation report on general situation in South Africa and more particularly on probable effect of various (group omitted) on its proposed legislation my Ministers wish to point out that any conclusions to which deputation have come must necessarily and do admittedly rest on very fragmentary evidence gathered within a very limited period. They agree, therefore, in general conclusion this evidence must be supplemented before final and reasoned judgment shall be possible. They cannot, however, agree such further evidence must be collected by means of a fresh enquiry on the part of a commission appointed for purpose as this course seems to be unnecessary in view of similar and very exhaustive enquiry by Asiatic Enquiry Commission held only a few years ago and of information which can be made available from official sources. Besides a fresh enquiry as suggested will of necessity further delay legislation which is urgent and is already long overdue while on the other hand the Parliamentary select committee to which it is proposed to refer Bill will provide most suitable means and opportunity to supplement, as far as such may be required, any evidence which is already in hand.

4. Whilst on one hand my Ministers must regret their inability to accede to request of Government of India for a round table Conference or a fresh enquiry they on the other hand fully realize the anxiety of that Government to place as fully as possible the case of the Indian Community, in South Africa before the Government of the Union. It is for this reason that they previously adumbrated the possibility of evidence before a parliamentary Select Committee by the deputation from the Government of India now in the country after Bill

shall have passed the second reading. Although reference to a Select Committee after second reading will imply maintenance of the general principle of Bill it will at the same time offer a very wide scope for evidence and will not even exclude evidence on such a fundamental question in which Government of India is primarily concerned as to whether proposed segregation shall be voluntary or compulsory. To this suggestion which they have offered my Ministers have thus far received no reply and they are consequently in doubt as to the existence of any difficulty on the part of the Government of India in accepting the same. If such difficulty should, however, exist on the ground of too great a restriction of evidence which deputation might desire to bring forward my Ministers would agree to propose reference of Bill to a Select Committee before second reading thus widening scope for evidence so as to include principle of Bill. They wish it, however, to be understood that such a proposal on their part will be subject to Government of India intimating their willingness to availing themselves of this opportunity specially offered to place evidence before select committee through their deputation now in South Africa and further that it will be subject to Select Committee being required to report to Parliament within such limited period as will enable Parliament to deal finally during the present session with legislation proposed.

5. My Ministers have gladly acceded to the request of Your Excellency's Government that deputation who are now in Cape Town shall be received by one of Members of the Union Government. Intimation to this effect was sent to head of deputation immediately after the receipt of Your Excellency's last communication and proposed interview has already taken place.

(18)

TELEGRAM TO THE GOVERNOR-GENERAL OF SOUTH AFRICA, CAPE TOWN, No. 105-OS, DATED DELHI, THE 9TH FEBRUARY 1926.

Priority—

We are in receipt of Your Excellency's telegram dated the 5th February and would be grateful if you would be so good as to convey to Your Excellency's Ministers our warm appreciation of the courtesy and consideration they have extended to us and to our deputation.

2. While we cannot conceal from Your Excellency our deep disappointment that Your Excellency's Ministers have found it impossible to agree to either of the alternative methods put forward by us as best calculated to lead to a satisfactory solution of this problem we recognise that our proposals have been given the fullest and most anxious consideration. We further understand that the offer now made to us involves a departure from normal parliamentary practice and procedure, and we see in this another proof of the desire of Your Excellency's Ministers to find a solution of this difficult question. My Government are in the circumstances prepared to accept, subject to the conditions stipulated in Your Excellency's telegram and to our observation in the succeeding paragraph, the offer made by Your Excellency's Ministers of an enquiry by a Parliamentary Select Committee before the second reading of the Bill. We note with satisfaction that terms of reference to the Committee will be sufficiently wide to include consideration of the principles of the Bill and we assume it is intention of Your Excellency's Ministers also to allow representatives of Indian opinion in South Africa an opportunity of presenting their case to the Committee which we feel sure Your Excellency's Ministers will agree could not fail materially to assist the Committee in its task.

3. As Union Government are aware our objections to the Bill are fundamental and are against the principles on which the Bill is based. We propose therefore to instruct our Deputation to present the case before the Select Committee in respect of the general principles, although it necessarily follows from our arguments that we object also to the details of the Bill. We realise that Your Excellency's Ministers are anxious to avoid unnecessary delay, but we trust in view of the very grave consequences for Indians which the proposed legislation must involve, fullest possible opportunity compatible with the limitation laid down in Your Excellency's telegram will be afforded for presentment of Indian case.

4. We are anxious that the offer made by Your Excellency's Ministers and our reply thereto should be published here with least possible delay and should be glad to know urgently by telegram when it is proposed to make these public in South Africa to enable us to arrange for publication here.

TELEGRAM FROM THE GOVERNOR-GENERAL OF SOUTH AFRICA, CAPE TOWN, DATED THE 12TH
FEBRUARY 1926.

Your telegram dated 9th February, 1926 O.S. My Ministers note with great pleasure and appreciation the readiness of Government of India to avail themselves of opportunity specially offered to them for presentment of Indian case through their deputation now in South Africa in accordance with the contents of my telegram dated the 5th February. With reference to observations in paragraphs 2 and 3 of Your Excellency's telegram and for further information of Government of India they desire to state that ample time will be given to proposed Select Committee to hear and consider evidence and that reference of Bill to a Select Committee before second reading implies that Indian community in South Africa will, through their representatives, have same opportunity and scope for presenting their case as will be accorded to deputation from India. With reference to last paragraph of your telegram I am informed by my Ministers that they propose to lay on the table of House a copy of correspondence between the Government of India and Government of the Union with regard to the position of Indians in South Africa on Wednesday afternoon the seventeenth instant. The Honourable the Minister of the Interior will then make a statement in the House and give notice that he will move reference of Bill to a Select Committee before second reading. My Ministers submit that it will be suitable if publication referred to in your telegram could take place in India at the same time.

CONGRESS DEPUTATION.

SUPPLEMENTARY STATEMENT TO VICEROY.

Following is the text of the supplementary Statement submitted by the South African Indian Congress Deputation to His Excellency the Viceroy :—

To His Excellency the Right Honourable Rufus Daniel Isaacs, Earl of Reading, P.C., G.C.B., G.M.S.L., G.M.L.E., K.C.V.O. etc., Viceroy and Governor-General of India.

May it please Your Excellency :

We, the members of the South African Indian Congress Deputation, desire to draw Your Excellency's attention to certain phases of the South African Indian problem which have been thrust into prominence by the South African Government since our arrival in India.

Your Excellency is fully aware that while negotiations were pending between the Government of India and that of the Union of South Africa and while Your Excellency's Government was pressing for a Round Table Conference to discuss the principle of racial segregation as embodied in the Area Reservation and Immigration and Registration (Further Provision) Bill, the South African Parliament actually amended the Union Health Act to validate Ordinance No. 7 of 1923 of Natal, and also forced through the House of Assembly the Mines and Works Act 1911 Amendment Bill. As both these Bills embody the principle of racial segregation, the action of the Union Government warrants our again emphasizing the urgent necessity of Your Excellency's Government pressing for a Round Table Conference to discuss the whole South African Indian problem.

NATAL ORDINANCE NO. 7.

The Natal Ordinance No. 7 of 1923, which discriminated between Asiatics and Europeans and which empowered Health Committees to levy differential rates on the two sections respectively, was declared *ultra vires* by the Appellate Division of the Supreme Court of South Africa. This decision, which was announced in November 1925, when our Deputation was on its way to India, was obtained at great expense to the Indian community with inordinate haste and before Your Excellency's Government had an opportunity of making any representations whatsoever, the Union Government passed a Bill amending the Union Health Act, thereby validating Ordinance No. 7 of 1923, and thus re-affirming the principle of racial segregation.

COLOUR BAR BILL.

The Mines and Works Act 1911 Amendment Bill, known as the Colour Bar Bill, provides that the granting of Certificates of competency to persons employed in, at or about Mines, Works and Machinery shall be restricted to Europeans, coloured persons and Malays excluding Asiatics and Natives. This Bill is founded on the principle of racial segregation. It introduces into South Africa for the first time a statutory Economic Colour Bar, and it is so drafted as to embrace almost any industry. In the Union Parliament, during the session of 1925 it was strongly condemned by General Smuts. He declared that tens of thousands of people in South Africa were actuated by feelings of fear, and if a Bill named the Natives and Asiatics as persons to be excluded from industry by 'Colour Bar' provisions, it would establish a precedent of inequality and unfair dealing that would recoil upon the white races. He asked that the Asiatic question should be separated from the Native question as it would be a great mistake to mix up the two. He maintained that not many Asiatics would be directly affected by the Bill but hundreds of millions would be provoked by this stigma being placed upon them.

UNION LIQUOR BILL.

The Minister of Justice has published a Bill to amend the Liquor laws of the Union. If that Bill be passed it will prevent the employment of Asiatics and Natives in any occupation connected with the manufacture, sale, or distribution of intoxicating liquor. That means that it will prevent the employment of such people in breweries, distilleries or hotels. No Asiatic will be permitted to act even as a waiter on premises licensed to sell intoxicating liquor.

Most of these workers are young men born in the Union of South Africa, of Indian parentage, and they undoubtedly have proved themselves efficient ideal waiters.

These two Bills, namely, the Colour Bar Bill and the Liquor Law Amendment Bill if passed into law, will throw out of employment a very large number of Indians. It is estimated that the number thus affected will be approximately as follows :—

Liquor Law Amendment Bill 1,500; Colour Bar Bill: Cape 900; Natal 35,000.

These Indians, deprived of the right to work, will be compelled to accept repatriation under the Voluntary Scheme and leave South Africa.

In view of this action of the Union Government, we would once more respectfully point out to Your Excellency the urgent necessity of pressing for a Round Table Conference to discuss the whole Indian problem, failing which, we ask Your Excellency to secure the King-Emperor's disallowance of each of the above mentioned bills as it passes through the Union Parliament.

We have the honour to be,

Sir,

Your obedient servants,

(Sd.) A. Abdurahman.

„ A. A. Mirza,
 „ J. W. Godfrey,
 „ Amod Bayat.
 „ V. S. C. Pather.
 „ Pandit Bhawani Dayal.
 „ Sorabji Rustomji.

—Members of the South African Indian Congress Deputation.

Delhi, 15th February 1926.

INDIAN INDUSTRIAL AND COMMERCIAL CONGRESS.

PROTEST AGAINST ANTI-ASIATIC BILL.

The third session of the All India Indian Industrial and Commercial Congress was held at Delhi on the 20th February 1926. Mr. Lala Harkisonlal of Lahore presided. Amongst those present were Mrs. Sarojini Naidu, Dr. Abdurahman, Mr. Sorabji Rustomjee and members of the Legislative Assembly. The following resolution was moved from the chair and carried unanimously :—

- (a) This session of the Indian Industrial and Commercial Congress views with the gravest apprehension and enters its emphatic protest against the Areas Reservation and Immigration and Registration Bill which is in violation of the 1914 Gandhi-Smuts agreement and has for its object the compulsory segregation of Indians the deprivation of their trading and proprietary rights, and the ultimate elimination of the Indian community.
 - (b) This session earnestly requests the Government of India to urge upon the Union Government the necessity of a Round Table Conference before any further action is taken by the Union Government in respect of the proposed Bill; and should their reasonable proposal be declined and the Bill forced through the Union Parliament this congress appeals to His Excellency the Viceroy to advise the Imperial Government to disallow the measure under Sec. 65 of the South Africa Act.
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INDIANS IN SOUTH AFRICA.

FULL TEXT OF THE OFFICIAL STATEMENT IN INDIAN LEGISLATURE.

Sir Muhammad Habibullah, member in charge Education Department and Mr. Bhoré (Education Secretary) made the following simultaneous statements in the Council of State and the Legislative Assembly respectively on the 17th February 1926 :—

In his speech at the opening of the Legislative Assembly His Excellency the Viceroy outlined the general course which the negotiations with South Africa regarding the Asiatic question have taken and appealed to the House to continue to trust Government while the negotiations were still proceeding. The Government of India and the Union Government of South Africa have now agreed that a stage has been reached at which the correspondence that has passed between the two Governments during the last year can suitably be made public. I am, therefore, placing in the library of the House copies of the communications that have passed between the two Governments on the subject of the position of Indians in South Africa. From this correspondence it will be seen that last April with the approval of the Secretary of State for India the Government of India took up with the Union Government direct the question of formulating a comprehensive Indian policy in South Africa which would be acceptable to all the parties concerned and utilised the suggestion thrown out by Mr. Thomas Secretary of State for the Colonies, to propose a conference on the subject, preferably in South Africa but if the Union Government so desired in India or on neutral ground, such as Geneva. In the alternative, they asked the Union Government to make other suggestions to bring about a satisfactory settlement of the Indian question.

The Union Government replied in June last that while they were quite ready to receive suggestions from the Government of India towards making their policy of repatriation more effective they regretted their inability to agree to a conference since it was the policy of all parties in South Africa by means of strict prohibition of Indian immigration and of active repatriation to reduce the Indian population in the country as nearly as possible to an irreducible minimum and such a conference would be viewed with suspicion as an interference from outside. On July 14th, the Government of India renewed the suggestion for a conference on the ground that repatriation could not by itself provide an effective solution of the problem, since 63 per cent of the resident Indian population were born in South Africa and regarded that country as their home, and on the ground that in order to arrive at a satisfactory settlement alternative measures of mitigating European and Asiatic competition in the economic sphere should be explored.

In July, the Areas Reservation and Immigration and Registration (Further Provision) Bill embodying the policy of [the Union Government towards the Asiatic problem was introduced, and in September the Union Government replied, regretting their inability to hold a conference on the Indian question, unless its main object was more effective repatriation and unless it was limited to some definite and concrete questions connected therewith. They seemed however, inclined to favour conversations both in connection with repatriation and with the methods of reducing the Asiatic and European competition. In October, the Government of India replied to the Union Government that before entering into a discussion of the repatriation question or the general question of alleviating direct competition, they would like to send a deputation to South Africa to collect information regarding the economic condition and general position of Indians residing in the Dominion. The Government of South Africa agreed to this proposal on November 10th, and the deputation sailed from Bombay on November 25th. Its defined purpose was to enquire into and report on the economic condition and general position of the resident Indian community in South Africa and to form an appreciation of their wishes and requirements with a view to furnishing material to the Government of India for use in connection with their negotiations with the Union Government. That deputation has collected material and come to provisional conclusions which enabled the Government of India on January 10th to press once again on the Union Government the desirability of a Round Table Conference on the whole question or, failing that, a fresh enquiry before the proposed legislation was proceeded with.

The Union Government replied on February 6th, that they fully realised our anxiety to place the case of the Indian community in South Africa as fully as possible before them. They expressed their willingness to propose the reference of the Asiatic Bill to a select committee before the second reading, so as to enable the committee to take evidence on the principles of the Bill as well as on its details subject to the understanding that the committee should be required to report to Parliament within such limited period as would enable Parliament to deal finally with the proposed legislation during the present session. This offer the Government of India have accepted, but they have made it clear that their objections to the Bill are fundamental and that they are instructing their deputation to present the case before the select committee in respect of the general principles.

It will follow from the statement of their objections to principles, that the Government of India are also opposed to the details of the Bill. But it is not proposed to discuss the latter, because the Government of India cannot take any action which might be thought even remotely to imply that they are prepared to waive the fundamental objections or acquiesce in the principle of the bill.

From this very brief summary of the course which the negotiations have taken, it will be clear that the Government of India have obtained two important results. In the first place, they have for the first time since Sir Benjamin Robertson's deputation their own representatives on the spot in South Africa who are in a position to keep them informed of the progress of events and to present the Indian case on their behalf before the select committee when it is appointed. While the Government of India have on their records a mass of evidence relating to the position of Indians in South Africa, they feel the necessity of keeping it up to date and abreast of the changing economic conditions of the Union and of relating it to the particular legislation under consideration. They are anxious, moreover, to establish close touch with the wishes and needs of the Indian community in South Africa. It is in these respects that the presence of their deputation in South Africa is proving invaluable to them.

Secondly, they have induced the Union Government to agree that the Asiatic Bill should be referred to the Select Committee before instead of after the second reading. The principles involved in this Bill are so grave and its effects on the position of Indians in South Africa are of such far reaching consequence, that the Government of India attach great importance to this concession. India naturally takes the strongest objection to measures calculated to relegate Indians to a position inferior to that of other classes of His Majesty's subjects. The Select Committee before the second reading gives a desired opportunity of stating the case and opposing the Bill on these grounds before the legislature of the Union is committed to the principles of the Bill. The Government of India gratefully acknowledged the assistance that they have derived in the past from the attitude of the legislature in regard to Indian affairs in South Africa, and they trust that when the members of the two chambers have had an opportunity of studying the correspondence, which is now made public, they will approve of the line which they have taken.